

**TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, June 2, 2008 at the Mildred A. Wakeley Community & Recreation Center in Room #2 at 7:00 PM.

MEMBERS PRESENT:

Dominic Palumbo, Chairman

Douglas Roberts, Secretary

Vern Carlson

Brian Cummings

William O'Hare, Alternate, sitting for James J. Giulietti

Antoinetta A. Carmody, Alternate, left before deliberations

John Vanacore, Alternate

MEMBERS ABSENT:

James J. Giulietti, Vice Chairman

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator

Andy Bevilacqua, Acting Town Engineer

Mary Lee Rydzewski, Public Stenographer

Sandra Lion, Clerk

AGENDA:

Mr. Palumbo, Chairman, called the meeting to order at 7:02 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Palumbo explained the procedures for the public hearing. He asked Mr. Fredricksen if there were any changes to the agenda. Mr. Fredricksen stated that application #P08-30 will be postponed to the July 7, 2008 meeting.

PUBLIC HEARING:

1. #P08-30 Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of Haven East, LLC, Applicant and Owner, relative to 410 Clintonville Road, (Map 69, Lot 5). Plan Entitled: Topographic/Boundary Map, Prepared by Martinez Couch & Associates, LLC, Dated 9/7/01. Scale 1" = 10'. R-40 Zoning District.

This application is postponed to the July 7, 2008 meeting.

The Commission elected to hear applications #P08-47, #P08-40S, #P08-40 & #P08-40A together.

8-24 Referrals

1. #P08-47 Section 8-24 Referral – Application of the Town of North Haven for road acceptance from North Haven Commons Development, LP.

PUBLIC HEARING:

2. #P08-40S Special Permit Application (as authorized by Section 9.1.3.7.1) of Douglas Gray, Eclipse Development Group, Applicant, North Haven Commons Development, LP, Owner, relative to 240-300 Universal Drive North, (Map 21, Lot 9 & Map 16, Lot 4). Plan Entitled: North Haven Commons Prepared by Architects Orange, Dated April 8, 2008. Scale 1" = 40'. IL-80 Zoning District.

SITE PLANS:

3. #P08-40 Site Plan Application of Douglas Gray, Eclipse Development Group, Applicant, North Haven Commons Development, LP, Owner, relative to 240-300 Universal Drive North, (Map 21, Lot 9 & Map 16, Lot 4). Plan Entitled: North Haven Commons Prepared by Architects Orange,
Dated April 8, 2008. Scale 1" = 40'. IL-80 Zoning District.
4. #P08-40A CAM Application of Douglas Gray, Eclipse Development Group, Applicant, North Haven Commons Development, LP, Owner, relative to 240-300 Universal Drive North, (Map 21, Lot 9 & Map 16, Lot 4). Plan Entitled: North Haven Commons Prepared by Architects Orange,
Dated April 8, 2008. Scale 1" = 40'. IL-80 Zoning District.

Mr. Douglas Gray of Eclipse Development Group presented the application for the dedication of the access road to the town. Attorney John Lambert explained that the site plan change has to do with the cul-de-sac only and the Special Permit is to allow one street frontage to be treated as a side yard.

Mr. Palumbo asked for public comment:

Public comment:

Attorney Bernie Pellegrino, Jr. of the Pellegrino Law Firm represents National Realty and Development, and North Haven Holdings. He is requesting a negative referral and a denial of the Special Permit and Site Plan applications. He feels it is significant to change a road from private to public and that that the Target site should have been considered when planning the access road. Also, the proposed extended median will cut off access to the restaurants located in the Target site. Attorney Pellegrino also explained that the alignment of the driveway into the applicant's site poses a safety

concern.

Mr. Jerry Bermingham of National Reality & Development is concerned with the traffic flow into the Target site. He stated that the extended median will cut off traffic into the Target site and that the driveway alignment poses a safety issue and a liability to the town. He feels other alternatives can be made to have better access to both sites.

Mr. Richard Pearson, traffic engineer, further discussed the concerns with the alignment of intersections, the proposed median, and volume to capacity ratio being excessive with the left-hand turn out of the North Haven Common's site.

Attorney Pellegrino, Jr. stated that the Commission should consider, when voting on the Special Permit application, the negative impact it will have on traffic, land value, future developments, and safety within the community.

Attorney John Parese stated that National Reality and Development knew that this private road would eventually become a public road. Attorney John Lambert stated Eclipse Development Group tried to waive the extension of the median but it was a requirement of the STC.

Mr. Gray stated that National Realty was noticed four times of the median. Mr. Gray said he would be willing to post a bond for a street light or some other traffic control measure, in the future, if necessary. Mr. Vanacore asked about the off-set driveway. Mr. Fredricksen stated that the STC sent a conditioned letter that would answer those questions. Attorney Pellegrino, Jr. offered to meet with the STC and the developer to propose a way to eliminate the median.

5. #P08-45 Site Plan Application of Robert J. Rebesch, Owner and Applicant, relative to 36 Nettleton Avenue, (Map 11, Lot 3). Plan Entitled: Site Plan, New Recycling Dumpster Location & New Refuse Dumpster Location, Prepared by Criscuolo Engineering, LLC, Dated 1/18/08. Scale 1" = 20'. IL-30 Zoning District.

Mr. Jim Pretti of Criscuolo Engineering presented the application to install a paved access driveway, relocate two recycling dumpsters, and install a loading door on the side of the existing 8,200 square foot building. A catch basin and increased storage of stormwater are being proposed. Cut off light fixtures will be installed and the applicant would like to have the Commission waive the sidewalk requirement. Mr. Vanacore asked about the material that will be contained in the dumpsters. Mr. Pretti stated that scrap metal will be deposited in the dumpsters.

BREAK: 8:05 – 8:11 PM

6. #P08-46 Site Plan Application of 162 State Street, LLC, Owner and Applicant, relative to 160 & 164 State, (Map 51, Lots 13 & 14). Plan Entitled State Street Medical Building, 160 & 164 State Street, North Haven, Connecticut, Prepared by Milone & MacBroom, Inc., Dated 5/8/08. Scale 1" = 50'. CB-40 Zoning District.

John Milone of Milone & MacBroom presented the application for a medical office building on the 4.82 acre site. Full utilities are available for this site. The applicant is proposing a new 60,000 square foot, three story medical building. Approximately 400 parking spaces are being proposed. Dumpsters will be enclosed. Landscaping is being proposed around the building and buffer area. Mr. Roberts asked about sidewalks and light fixtures. Cut off fixtures and sidewalks will be provided. Mr. Roberts also asked about car loaders and new cars being located on this site. The applicant said that type of use is not intended.

DELIBERATION SESSION:

Mr. Carlson moved to go into deliberations; Mr. O'Hare seconded the motion. All were in favor.

PUBLIC HEARING:

1. #P08-47 Section 8-24 Referral – Application of the Town of North Haven for road acceptance from North Haven Commons Development, LP.

Mr. Carlson moved to send a positive referral for Section 8-24 Referral for road acceptance from North Haven Commons Development, LP.; Mr. Cummings seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O'Hare - aye

2. #P08-40S Special Permit Application (as authorized by Section 9.1.3.7.1) of Douglas Gray Eclipse Development, LP, Owner, relative to 240-300 Universal Drive North.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O'Hare - aye

The application was approved with appropriate conditions.

SITE PLANS:

3. #P08-40 Site Plan Application of Douglas Gray, Eclipse Development Group, Applicant, North Haven Commons Development, LP, Owner, relative to 240-300 Universal Drive North.

Mr. Roberts moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O’Hare - aye

The application was approved with appropriate conditions.

4. #P08-40A CAM Application of Douglas Gray, Eclipse Development Group, Applicant, North Haven Commons Development, LP, Owner, relative to 240-300 Universal Drive North.

Mr. Carlson moved to approve the application; Mr. O’Hare seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O’Hare - aye

The application was approved with appropriate conditions.

5. #P08-45 Site Plan Application of Robert J. Rebesch, Owner and Applicant, relative to 36 Nettleton Avenue.

Mr. Carlson moved to table the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O’Hare - aye

The Commission stated that they are concerned with the dumpsters developing holes allowing oil to escape. They would like the applicant to address this issue when they return next month.

6. #P08-46 Site Plan Application of 162 State Street, LLC, Owner and Applicant, relative to 160 & 164 State.

Mr. O’Hare moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O’Hare - aye

The application was approved with appropriate conditions.

Mr. Carlson moved to go out of deliberations; Mr. O'Hare seconded the motion. All were in favor.

INFORMAL PRESENTATION: None

OTHER: 1. Town Attorney to discuss appeal of Kings Highway Assoc. Et Al vs. Planning & Zoning Commission

Town Attorney John Parese discussed the resolution for the denial of a subdivision on Kings Highway. The Judge suggested the Commission consider approving the subdivision with conditions that include partial sidewalks, partial water service and no drainage improvements, and the applicant would then withdraw the appeal. .

Mr. Palumbo asked for public comment.

Public comment:

1. Dan Krause, 1966 Hartford Turnpike, would like clarification on the drainage issue and is concerned with his well.
2. Debra Armitage, 12 Legrand Road, asked what lot is building built on and feels sidewalks are not appropriate for one lot. She would like water service for Legrand Road and for the Commission to consider the neighbors' drainage issues.
3. Sid Lavene, 23 Legrand Road, concerned with the water situation and how this development impacts the surrounding area. He feels that there should be other alternatives.
4. Charles Lynch, 370 Upper State, has concerns with water run off from Kings Highway. He would also like the application appealed again.
5. Mr. Powell, 321 Kings Highway, is concerned with drainage.
6. Jean Wetherell is concerned with septic tanks leaking into well water. She suggested sewer and city water be provided in this area.

Attorney Parese, Mr. Palumbo and Mr. Fredricksen responded to public comment.

Being no further public comment, the public hearing was closed.

Mr. O'Hare moved to continue the appeal of the court decision; Mr. Carlson seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O'Hare - aye

2. John Ceruzzi – Driveway Interconnection Proposal
79 Washington Avenue

John Ceruzzi, applicant, stated that the DOT wants the applicant to connect his site, 79 Washington Avenue, to the property left of the Namco Plaza and include that property in the traffic study. No study will be needed if Taco Bell closes off their site to the connecting plaza. Jim Santos of Taco Bell further discussed the DOT situation with the Commission.

Mr. Fredricksen is concerned that in the future the town may be responsible for dividing the site if it's only divided temporarily. The Commission directed Mr. Fredricksen to contact the STC and express the Commission's concerns.

Mr. Carlson moved to go out of deliberations; Mr. Roberts seconded the motion. All were in favor.

EXTENSIONS:

#P08-28, 500 Middletown Avenue

Mr. Carlson moved to approve a ninety (90) day extension for application #P08-28, 500 Middletown Avenue; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O'Hare - aye

BOND RELEASES & REDUCTIONS:

#P06-49A, 55 Mill Road

Mr. Carlson moved to reduce the bond for application #P06-49A, 55 Mill Road, from \$550,000.00 to \$250,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O'Hare - aye

#P06-49B, 55 Mill Road

Mr. Carlson moved to reduce the bond for application #P06-49B, 55 Mill Road, from \$330,000.00 to \$ 100,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye O'Hare – aye

CORRESPONDENCE: College of Agriculture and Natural Resources Journal,
Spring 2008

MINUTES:

May 5, 2008

Mr. Carlson moved to approve the minutes of May 5, 2008; Mr. Cummings seconded the motion. The Commission voted as follows:

Palumbo - aye Roberts – aye Carlson - aye Cummings – aye

Mr. Fredricksen distributed a letter to the Commission from Nelcon Ambulance Service to address conditions and reapply to the Commission.

ADJOURN:

There being no further business, Mr. Carlson moved to adjourn; Mr. O'Hare seconded the motion. The meeting was adjourned at 9:35 PM.